

Adopted	Rejected
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COMMITTEE REPORT

YES:	16
NO:	8

MR. SPEAKER:

Your Committee on **Ways and Means**, to which was referred House Bill 1002, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill **be amended** as follows:

- 1 Page 2, delete lines 41 through 42.
- 2 Page 3, delete lines 1 through 3.
- 3 Page 3, line 4, delete "(c)" and insert "**(b)**".
- 4 Page 3, line 11, delete "(d)" and insert "**(c)**".
- 5 Page 3, line 21, delete "(e)" and insert "**(d)**".
- 6 Page 3, line 29, delete "(f)" and insert "**(e)**".
- 7 Page 3, delete lines 34 through 42, begin a new paragraph and
- 8 insert:
- 9 "**(f)** If:
- 10 **(1) a contract or subcontract subject to this section is funded**
- 11 **in whole or in part with federal funds; and**
- 12 **(2) imposing the requirements of this section would cause the**
- 13 **state to lose the federal funds for the contract, as determined**
- 14 **by the federal agency providing the funds;**
- 15 **subsections (a) through (e) do not apply.**

(g) If an agency of the federal government makes a determination under subsection (f) which causes a contract to be exempted from the requirements of subsections (a) through (e), this section is meant to express the view of the general assembly that expanding employment opportunities for Indiana residents remains a vital part of the state's economy.

(h) A contract exempted from the requirements of subsections (a) through (e) may not reference the employment of Indiana residents. The division may not consider the number of employment opportunities for Indiana residents when doing any of the following with respect to a project subject to a contract that is exempted from the requirements of subsections (a) through (e):

- (1) Issuing a request for proposals.
- (2) Issuing a bulletin inviting bids for the contract.
- (3) Prequalifying a contractor for the contract.
- (4) Evaluating a bid for the contract."

Page 4, delete lines 20 through 24.

Page 4, line 25, delete "(c)" and insert "(b)".

Page 4, line 32, delete "(d)" and insert "(c)".

Page 5, line 1, delete "(e)" and insert "(d)".

Page 5, line 9, delete "(f)" and insert "(e)".

Page 5, delete lines 14 through 22, begin a new paragraph and insert:

"(f) If:

- (1) a contract or subcontract subject to this section is funded in whole or in part with federal funds; and
- (2) imposing the requirements of this section would cause the state to lose the federal funds for the contract, as determined by the federal agency providing the funds;

subsections (a) through (e) do not apply.

(g) If an agency of the federal government makes a determination under subsection (f) which causes a contract to be exempted from the requirements of subsections (a) through (e), this section is meant to express the view of the general assembly that expanding employment opportunities for Indiana residents remains a vital part of the state's economy.

(h) A contract exempted from the requirements of subsections (a) through (e) may not reference the employment of Indiana

residents. The state or a commission may not consider the number of employment opportunities for Indiana residents when doing any of the following with respect to a project subject to a contract that is exempted from the requirements of subsections (a) through (e):

- (1) Issuing a request for proposals.
- (2) Issuing a bulletin inviting bids for the contract.
- (3) Prequalifying a contractor for the contract.
- (4) Evaluating a bid for the contract."

Page 5, delete line 42.

Page 6, delete lines 1 through 4.

Page 6, line 5, delete "(c)" and insert "(b)".

Page 6, line 13, delete "(d)" and insert "(c)".

Page 6, line 23, delete "(e)" and insert "(d)".

Page 6, line 31, delete "(f)" and insert "(e)".

Page 6, delete lines 36 through 42.

Page 7, delete lines 1 through 2, begin a new paragraph and insert:
"(f) If:

- (1) a contract or subcontract subject to this section is funded in whole or in part with federal funds; and**
- (2) imposing the requirements of this section would cause the state to lose the federal funds for the contract, as determined by the federal agency providing the funds;**

subsections (a) through (e) do not apply.

(g) If an agency of the federal government makes a determination under subsection (f) which causes a contract to be exempted from the requirements of subsections (a) through (e), this section is meant to express the view of the general assembly that expanding employment opportunities for Indiana residents remains a vital part of the state's economy.

(h) A contract exempted from the requirements of subsections (a) through (e) may not reference the employment of Indiana residents. The commission may not consider the number of employment opportunities for Indiana residents when doing any of the following with respect to a project subject to a contract that is exempted from the requirements of subsections (a) through (e):

- (1) Issuing a request for proposals.**
- (2) Issuing a bulletin inviting bids for the contract.**
- (3) Prequalifying a contractor for the contract.**

- 1 **(4) Evaluating a bid for the contract."**
- 2 Page 7, delete lines 22 through 26.
- 3 Page 7, line 27, delete "(c)" and insert "**(b)**".
- 4 Page 7, line 35, delete "(d)" and insert "**(c)**".
- 5 Page 8, line 3, delete "(e)" and insert "**(d)**".
- 6 Page 8, line 11, delete "(f)" and insert "**(e)**".
- 7 Page 8, delete lines 16 through 24, begin a new paragraph and
- 8 insert:
- 9 **"(f) If:**
- 10 **(1) a contract or subcontract subject to this section is funded**
- 11 **in whole or in part with federal funds; and**
- 12 **(2) imposing the requirements of this section would cause the**
- 13 **state to lose the federal funds for the contract, as determined**
- 14 **by the federal agency providing the funds;**
- 15 **subsections (a) through (e) do not apply.**
- 16 **(g) If an agency of the federal government makes a**
- 17 **determination under subsection (f) which causes a contract to be**
- 18 **exempted from the requirements of subsections (a) through (e), this**
- 19 **section is meant to express the view of the general assembly that**
- 20 **expanding employment opportunities for Indiana residents**
- 21 **remains a vital part of the state's economy.**
- 22 **(h) A contract exempted from the requirements of subsections**
- 23 **(a) through (e) may not reference the employment of Indiana**
- 24 **residents. The department may not consider the number of**
- 25 **employment opportunities for Indiana residents when doing any of**
- 26 **the following with respect to a project subject to a contract that is**
- 27 **exempted from the requirements of subsections (a) through (e):**
- 28 **(1) Issuing a request for proposals.**
- 29 **(2) Issuing a bulletin inviting bids for the contract.**
- 30 **(3) Prequalifying a contractor for the contract.**
- 31 **(4) Evaluating a bid for the contract."**
- 32 Page 9, delete lines 2 through 6.
- 33 Page 9, line 7, delete "(c)" and insert "**(b)**".
- 34 Page 9, line 15, delete "(d)" and insert "**(c)**".
- 35 Page 9, line 23, delete "(e)" and insert "**(d)**".
- 36 Page 9, delete lines 28 through 36, begin a new paragraph and
- 37 insert:
- 38 **"(e) If:**

(1) a contract or subcontract subject to this section is funded in whole or in part with federal funds; and

(2) imposing the requirements of this section would cause the state to lose the federal funds for the contract, as determined by the federal agency providing the funds;

subsections (a) through (d) do not apply.

(f) If an agency of the federal government makes a determination under subsection (e) which causes a contract to be exempted from the requirements of subsections (a) through (d), this section is meant to express the view of the general assembly that expanding employment opportunities for Indiana residents remains a vital part of the state's economy.

(g) A contract exempted from the requirements of subsections (a) through (d) may not reference the employment of Indiana residents. The division may not consider the number of employment opportunities for Indiana residents when doing any of the following with respect to a project subject to a contract that is exempted from the requirements of subsections (a) through (d):

(1) Issuing a request for proposals.

(2) Issuing a bulletin inviting bids for the contract.

(3) Prequalifying a contractor for the contract.

(4) Evaluating a bid for the contract.

SECTION 7. IC 36-8-4-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 10. (a) Subject to subsection ~~(b)~~, (c), the board or persons having the authority to employ members of the fire or police department shall give a preference for employment according to the following priority:

(1) A war veteran who has been honorably discharged from the United States armed forces.

(2) A person whose mother or father was a:

(A) firefighter of a unit;

(B) municipal police officer; or

(C) county police officer;

who died in the line of duty (as defined in IC 5-10-10-2).

(b) Subject to subsection (c), the board or person having the authority to employ members of a fire or police department may give a preference for employment to any of the following:

(1) A police officer or firefighter laid off by another city under

section 11 of this chapter.

(2) A county police officer laid off by a sheriff's department under IC 36-8-10-11.1.

(3) A person who:

(A) was employed full-time or part-time by a township to provide fire protection and emergency services; and

(B) has been laid off by the township.

~~(b)~~ **(c)** A person described in subsection (a) **or (b)** may not receive a preference for employment unless the person:

(1) applies; and

(2) meets all employment requirements prescribed:

(A) by law, including physical and age requirements; and

(B) by the fire or police department.

SECTION 8. IC 36-8-10-10.4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 10.4. (a) Subject to subsection ~~(b)~~; **(c)**, the board shall give a preference for employment according to the following priority:

(1) A war veteran who has been honorably discharged from the United States armed forces.

(2) A person whose mother or father was a:

(A) firefighter of a unit;

(B) municipal police officer; or

(C) county police officer;

who died in the line of duty (as defined in IC 5-10-10-2).

(b) Subject to subsection (c), the board may give a preference for employment to any of the following:

(1) A member of another department laid off under section 11.1 of this chapter.

(2) A police officer laid off by a city under IC 36-8-4-11.

~~(b)~~ **(c)** A person described in subsection (a) **or (b)** may not receive a preference for employment unless the person:

(1) applies; and

(2) meets all employment requirements prescribed:

(A) by law, including physical and age requirements; and

(B) by the department.

SECTION 9. IC 36-8-13-3, AS AMENDED BY P.L.182-2009(ss), SECTION 439, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. (a) The executive of a

1 township, with the approval of the legislative body, may do the
2 following:

3 (1) Purchase firefighting and emergency services apparatus and
4 equipment for the township, provide for the housing, care,
5 maintenance, operation, and use of the apparatus and equipment
6 to provide services within the township but outside the corporate
7 boundaries of municipalities, and employ full-time or part-time
8 personnel to operate the apparatus and equipment and to provide
9 services in that area. Preference in employment under this section
10 shall be given according to the following priority:

11 (A) A war veteran who has been honorably discharged from
12 the United States armed forces.

13 (B) A person whose mother or father was a:

- 14 (i) firefighter of a unit;
- 15 (ii) municipal police officer; or
- 16 (iii) county police officer;

17 who died in the line of duty (as defined in IC 5-10-10-2).

18 **The executive of a township may give a preference for**
19 **employment under this section to a person who was employed**
20 **full-time or part-time by another township to provide fire**
21 **protection and emergency services and has been laid off by**
22 **the township. The executive of a township may also give a**
23 **preference for employment to a firefighter laid off by a city**
24 **under IC 36-8-4-11.** A person described in this subdivision may
25 not receive a preference for employment unless the person applies
26 for employment and meets all employment requirements
27 prescribed by law, including physical and age requirements, and
28 all employment requirements prescribed by the fire department.

29 (2) Contract with a municipality in the township or in a
30 contiguous township that maintains adequate firefighting or
31 emergency services apparatus and equipment to provide fire
32 protection or emergency services for the township in accordance
33 with IC 36-1-7.

34 (3) Cooperate with a municipality in the township or in a
35 contiguous township in the purchase, maintenance, and upkeep of
36 firefighting or emergency services apparatus and equipment for
37 use in the municipality and township in accordance with
38 IC 36-1-7.

(4) Contract with a volunteer fire department that has been organized to fight fires in the township for the use and operation of firefighting apparatus and equipment that has been purchased by the township in order to save the private and public property of the township from destruction by fire, including use of the apparatus and equipment in an adjoining township by the department if the department has made a contract with the executive of the adjoining township for the furnishing of firefighting service within the township.

(5) Contract with a volunteer fire department that maintains adequate firefighting service in accordance with IC 36-8-12.

(b) This subsection applies only to townships that provide fire protection or emergency services or both under subsection (a)(1) and to municipalities that have some part of the municipal territory within a township and do not have a full-time paid fire department. A township may provide fire protection or emergency services or both without contracts inside the corporate boundaries of the municipalities if before July 1 of a year the following occur:

(1) The legislative body of the municipality adopts an ordinance to have the township provide the services without a contract.

(2) The township legislative body passes a resolution approving the township's provision of the services without contracts to the municipality.

In a township providing services to a municipality under this section, the legislative body of either the township or a municipality in the township may opt out of participation under this subsection by adopting an ordinance or a resolution, respectively, before July 1 of a year.

(c) This subsection applies only to a township that:

(1) is located in a county containing a consolidated city;

(2) has at least three (3) included towns (as defined in IC 36-3-1-7) that have all municipal territory completely within the township on January 1, 1996; and

(3) provides fire protection or emergency services, or both, under subsection (a)(1);

and to included towns (as defined in IC 36-3-1-7) that have all the included town's municipal territory completely within the township. A township may provide fire protection or emergency services, or both, without contracts inside the corporate boundaries of the municipalities

1 if before August 1 of the year preceding the first calendar year to which
2 this subsection applies the township legislative body passes a
3 resolution approving the township's provision of the services without
4 contracts to the municipality. The resolution must identify the included
5 towns to which the resolution applies. In a township providing services
6 to a municipality under this section, the legislative body of the
7 township may opt out of participation under this subsection by adopting
8 a resolution before July 1 of a year. A copy of a resolution adopted
9 under this subsection shall be submitted to the executive of each
10 included town covered by the resolution, the county auditor, and the
11 department of local government finance.".

12 Renumber all SECTIONS consecutively.
 (Reference is to HB 1002 as introduced.)

and when so amended that said bill do pass.

Representative Crawford